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Attorneys for South Jersey Federal Credit Union

IN RE : UNITED STATES BANKRUPTCY COURT FOR
SCHEMELIA, MARGARET : THE DISTRICT OF NEW JERSEY
Debtor. : CASE NO. 19-15830-JNP
: CHAPTER 13
: Honorable Jerrold N. Poslusny, Jr.
: Hearing Date: July 9, 2019
:

CERTIFICATION IN RESPONSE TO DEBTOR'S OPPOSITION TO MOTION FOR RELIEF

Robert J. Malloy, Esquire, hereby certifies as follows:

1. I represent South Jersey Federal Credit Union (SJFCU) in the within bankruptcy proceeding.
2. The Debtor, in her opposition filed on June 28, 2019, alleges that she was "not aware" that she was in default under her mortgage with SJFCU, which encumbered property located at 808 Mercer Street, Gloucester, New Jersey 08030 and more particularly described as Block 13, Lot 5 on the Tax Map of the City of Gloucester, Camden County, New Jersey (the "Property").
3. As set forth in the Certification of Ryan Harris in support of the Motion for Relief herein, which is referenced herein and incorporated herein, the Debtor defaulted under the terms of her Mortgage with SJFCU by failing to pay property taxes and sewer assessments due and owing on the Property.
4. As a result of Debtor's failure to pay property taxes and sewer assessments, SJFCU brought a foreclosure action against the Property in the Superior Court of New Jersey, Docket No. SWC-F-0313949-16. The Complaint in Foreclosure was filed on May 18, 2016.

5. The Debtor was personally served with original process including a Summons and the Complaint in Foreclosure on July 26, 2018, as appears from the affidavit of service provided by Guaranteed Subpoena Service attached hereto and incorporated herein as Exhibit A.

6. As the Debtor was personally served with original process, she is, as a matter of fact and as a matter of law, on notice of the foreclosure action and of the specific grounds for the foreclosure, as set forth in the Complaint in Foreclosure.

7. The Debtor did not file an answer to the Complaint in Foreclosure or otherwise defend or appear in the foreclosure action.

8. On October 19, 2016, SJFCU filed a Request for Default against the Debtor in the foreclosure action.

9. The request for default was served upon the Debtor by certified mail, return receipt requested. A copy of the Affidavit of Service of the request for Default, including the signed return receipt "green card" from the mailing, is attached hereto and incorporated herein as Exhibit B.

10. The Debtor did not oppose the entry of default.

11. Thereafter, SJFCU requested the entry of final judgment against the Debtor. The 14 Day Notice was served upon the Debtor on March 22, 2017. Exhibit C.

12. The Notice of Motion for Final Judgment, along with all supporting documentation, including but not limited to the Certification of Amount Due, were served upon the Debtor on October 22, 2018.

Exhibit D.

13. On November 19, 2018, the Superior Court of New Jersey issued a Final Judgment in favor of SJFCU, in the aggregate amount of \$93,054.34. A true and correct copy of the Final Judgment and the accompanying Writ of Execution are attached hereto and incorporated herein as Exhibit E.

14. The Property was sold to the Credit Union at sheriff's sale on February 6, 2019. The Credit Union thereupon assigned its bid to 1617 Properties, LLC.

15. Thereafter, by Sheriff's Deed dated February 15, 2019, the Property was conveyed to 1617 Properties, LLC.

16. The Debtor did not file an objection to the sheriff's sale within the ten (10) day period set forth by the New Jersey Rules of Court 4:65-5; nor did Debtor exercise her right to redeem the mortgage during this ten (10) day period. Nor did the Debtor file for bankruptcy protection within this ten (10) day period.

17. A Writ of Possession for the Property was issued on February 22, 2019. A true and correct copy of the Writ of Possession is attached hereto and incorporated herein as Exhibit F.

18. The Sheriff's Deed was recorded on March 19, 2019 in the Camden County Clerk's office as File Number 2013020263, in Deed-OR Book 11094, Page 1149. A true and correct copy of the recorded Sheriff's Deed is attached hereto and incorporated herein as Exhibit G.

19. Again, the Debtor did not file bankruptcy or exercise her right to redeem prior to the delivery of the Sheriff's Deed.

20. In fact, the Debtor did not file bankruptcy until March 22, 2019 (the "Petition Date")—after the Credit Union and its assignee had obtained a Writ of Possession regarding the Property and after the Sheriff's Deed was delivered and recorded in the land records of Camden County.

21. The Debtor was aware that the Property was in foreclosure, as she was personally served with the Summons and Complaint in Foreclosure, and was also served with notices of default and of final judgment.

22. Even if the Debtor did make some payments during the foreclosure process, the Debtor failed to redeem the mortgage by paying the full amount due and owing under the Final Judgment-- \$93,054.34 plus taxed costs.

23. The foreclosure of the Property was completed, the Property was conveyed, and a Writ of Possession had been entered prior to the filing of the Debtor's Voluntary Petition herein.

24. The Debtor's time period in which to exercise her right of redemption (by paying the full amount due under the Final Judgment) expired prior to the filing of the Debtor's Voluntary Petition herein.

I certify under penalty of perjury that the foregoing statements made by me are true and correct.

ROBERT J. MALLOY, ESQ. P.C.
Counsel for South Jersey Federal Credit Union

By: /s/ ROBERT J. MALLOY, ESQ.

Dated: July 2, 2019

CERTIFICATE OF SERVICE

I, Robert J. Malloy, Esquire hereby certify that I caused true and correct copies of the within Certification and this Certificate of Service to be served upon the following persons via E-filing and United States mail, first class, postage prepaid on July 2, 2019, as follows:

Isabel C. Balboa
Chapter 13 Standing Trustee
Cherry Tree Corporate Center
538 Route 38, Suite 580
Cherry Hill, NJ 08002
Trustee

Mark W. Ford, Esquire
Law Offices of Mark W. Ford, LLC
PO Box 110
4 ½ North Broadway
Gloucester City, NJ 08030

Margaret Schemelia
Debtor
808 Mercer Street
Gloucester, NJ 08030

/s/ Robert J. Malloy, Esq.